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*Attorneys for Defendant Dr. Edward M. Scolnick*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

IN RE: MERCK & Co., INC. SECURITIES,  
DERIVATIVE & "ERISA" LITIGATION

MDL No. 1658 (SRC)

THIS DOCUMENT RELATES TO:

Case No. 2:05-CV-01151-SRC-MAS  
Case No. 2:05-CV-02367-SRC-MAS

THE CONSOLIDATED SECURITIES ACTION

(Document Electronically Filed)

**CERTIFICATION OF CARL M. GREENFELD, ESQ. IN SUPPORT OF  
DR. EDWARD M. SCOLNICK'S MOTION TO DISMISS THE CORRECTED  
CONSOLIDATED FIFTH AMENDED CLASS ACTION COMPLAINT**

CARL M. GREENFELD, ESQ., hereby certifies as follows:

1. I am counsel with the law firm Lowenstein Sandler PC, attorneys for Dr. Edward M. Scolnick, a defendant in the above-captioned matter.

2. I submit this certification in support of Dr. Edward M. Scolnick's Motion to Dismiss the Corrected Consolidated Fifth Amended Class Action Complaint pursuant to Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure and the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4.

3. Attached hereto as Exhibit A is a true and correct copy of an article titled "THE DOCTOR'S WORLD; For Pain Reliever, Questions of Risk Remain Unresolved," published in the October 9, 2001 edition of *The New York Times*.

4. Attached hereto as Exhibit B is a true and correct copy of an email dated February 11, 2000, from Edward Scolnick to Deborah Shapiro.

5. Attached hereto as Exhibit C is a true and correct copy of an email dated March 9, 2000, from Edward Scolnick to Deborah Shapiro, Alise Reicin, and Alan Nies.

6. Attached hereto as Exhibit D is a chart summarizing the allegedly false or misleading statements referenced in the Complaint and the corresponding grounds for dismissal of Plaintiffs' Section 10(b) claim.

7. Attached hereto as Exhibit E is a true and correct copy of the complaint filed in the action entitled *Alaska Elec. Pension Fund v. Pharmacia Corp.*, No. 07-4500, 2009 WL 213095 (3d Cir. Jan. 30, 2009).

8. Attached hereto as Exhibit F is a true and correct copy of the Form 4 filed by Edward Scolnick with the SEC on November 13, 2000.

9. Attached hereto as Exhibit G is a true and correct copy of an excerpt from Merck's 2001 Schedule 14A Proxy Statement filed with the SEC on March 22, 2001.

10. Attached hereto as Exhibit H is a true and correct copy of the Form 5 filed by Edward Scolnick with the Securities and Exchange Commission ("SEC") on February 14, 1994.

11. Attached hereto as Exhibit I is a true and correct copy of the Form 4 filed by Dr. Scolnick with the SEC on June 10, 1994.

12. Attached hereto as Exhibit J is a true and correct copy of the Form 4 filed by Dr. Scolnick with the SEC on June 8, 1995.

13. Attached hereto as Exhibit K is a true and correct copy of the Form 4 filed by Dr. Scolnick with the SEC on October 10, 1995.

14. Attached hereto as Exhibit L is a true and correct copy of the Form 4 filed by Dr. Scolnick with the SEC on July 9, 1996.

15. Attached hereto as Exhibit M is a true and correct copy of the Form 4 filed by Dr. Scolnick with the SEC on July 9, 1997.

16. Attached hereto as Exhibit N is a true and correct copy of the Form 4 filed by Dr. Scolnick with the SEC on July 6, 1998.

17. Attached hereto as Exhibit O is a true and correct copy of the Form 4 filed by Dr. Scolnick with the SEC on March 10, 1999.

18. Attached hereto as Exhibit P is a true and correct copy of the Form 4 filed by Dr. Scolnick with the SEC on April 29, 2002.

19. Attached hereto as Exhibit Q is a true and correct copy of an email dated January 13, 1998, from Edward Scolnick to Anthony Ford-Hutchinson and Bennett M. Shapiro.

Pursuant to 28 U.S.C. § 1746, I certify under penalty of perjury that the foregoing is true and correct.

Dated: June 18, 2010

By: /s/ Carl M. Greenfeld  
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